

PRIOR ART REJECTIONS

In response to the Examiner's rejection of Claims 1-4, 6 - 8, 10, 11, 13-16, 21-24, 26-28, 30, 31 and 33-36 under 35 USC 102(e) as being anticipated by U.S. Patent No. 6,190,173 to Jenkins et al. (hereinafter "Jenkins"), the rejection of Claims 5, 9, 12, 25, 29 and 32 under 35 USC 103(a) as being unpatentable over Jenkins, the rejection of Claims 17-19, 37-39, 45 and 49 under 35 USC 103(a) as being unpatentable over Jenkins in view of U.S. Patent No. 6,009,397 to Siegel (hereinafter "Siegel"), the rejection of Claims 20 and 40 -44 under 35 USC 103(a) as being unpatentable over Jenkins in view of U.S. Patent No. 5,596,698 to Morgan (hereinafter "Morgan") and the rejection of Claims 46-48 and 50-52 under 35 USC 103(a) as being unpatentable over Jenkins in view of U.S. Patent No. 6,134,529 to Rothenberg (hereinafter "Rothenberg"), Applicant respectfully traverses these rejections. In particular, the prior art cited by the Examiner does not anticipate or render obvious the claims of this application for the reasons set forth below. Therefore, the claims of this application are allowable over the prior art cited by the Examiner and early allowance of the application is respectfully requested.

Claims

The claims of the application are directed to reading and spelling skill training. For example, Claims 1 and 21 are directed to a device and method, respectively, for training one or more reading and spelling skills of a user including phonological and morphological skills wherein the game comprises a phonological skills training portion for training the phonological skills of the user and a sound/symbol correspondence training portion for training the sound/symbol correspondence skills of the user wherein the game trains the phonological skills of the user and then transitions to training the sound/symbol correspondence skills once the phonological skills are mastered. The dependent claims recite further details of the system and method.

Independent claims 41 and 43 further recite a method and system, respectively, wherein a target word is visually presented to the user for a predetermined time, a series of words is visually presented to the user after the target word is removed, and the user is prompted to identify the word in the series of words whose letters are in reverse order to the target word.

Independent Claims 45 and 49 recite a method and system, respectively, for training a user wherein one or more words are visually presented to the user, one or more categories into which the word is sorted by the user are presented to the user, and the user is prompted to sort

the one or more words into the one or more categories to improve the user's skills at recognizing patterns in words.

Prior Art Summary

Jenkins

Jenkins describes a method and apparatus for training of auditory/visual discrimination using target and distractor phonemes/graphics. (See Title and Abstract). Jenkins further describes that, as set forth in Col. 9, lns. 18 – 41, that a grapheme may be used to illustrate a particular phoneme to be tested. Jenkins further describes that a grapheme is presented (See Figure 10) wherein the particular consonant that is being tested is highlighted in a color different from the other letters in the phoneme. See Col. 9, lns. 26 – 29. An example of this is described at Col. 9, lns. 29 – 33. Jenkins also describes that an aural presentation of the phoneme represented by the grapheme is played to the student. See Col. 9, lns. 33- 36. In the game described in Jenkins, the grapheme is presented as part of the phoneme discrimination training process as set forth above. The game in Jenkins thus uses the grapheme to aid the training of the phoneme. Jenkins does not first train a user's phonological skills (phoneme recognition) and then transition to sound/symbol awareness training since the graphemes is Jenkins are merely used as part of the phonological training and the user is not required to identify the sound/symbol correspondence.

The Examiner cited to Col. 9. lns. 18 – 32 for support that Jenkins discloses morphological skill training of the user. However, that portion merely describes the phonological training using phonemes and graphemes as described above. At most, Jenkins describes phonological skill training.

Jenkins does describe a game (See Col. 11, ln. 46 – Col. 12, ln. 3) wherein a auditory target word (phoneme) is presented to the user wherein a grapheme is again used as part of the phonological training in which phonemes are identified.

Siegel

Siegel describes a phonic engine which allows a user to specify phonemes and the relative position of phonemes with respect to a word or a group of words, such as a title. (See abstract). Siegel is a dictionary which searches its built-in database for words according to the initial and/or final phoneme, prefix, suffix, etc. Therefore, the system helps the user to locate a word, but does not train a user's skills, etc...

The Examiner points to Col. 2, lns. 1-8 as describing sorting words into categories as set forth in Claim 17 of the current application. The section cited by the Examiner states that “two bits of orthographic or phonological information about a word or group of words provides sufficient information to select a perusable set of entries containing the word or group of words....” The section merely describes how the dictionary disclosed in Siegel operates in that the dictionary permits a user to enter bits of phonological information (such as a phoneme) and generates a perusable set of entries based on the bits of information. Siegel does not in any way contemplate the task set forth in Claim 17 and 37.

The Examiner cites to Col. 3, lns. 3-5 for support that Siegel teaches that sorting words in language training device can form the basis of a word game. The section describes that the phonic engine may be used in conjunction with a mechanical sorting device and can be the basis for a game. There is no suggestion or teaching in Siegel of a game in which the user is required to sort words into different categories. The Siegel dictionary may be used to find a word (and therefore be part of a word game), but certainly does not train the user’s skill at learning word patterns by sorting words into categories as required by the claims of the patent.

Morgan

Morgan describes a method and apparatus for recognizing handwritten inputs for a computerized teaching system. (See Title). Morgan does describe that the product can enhance learning for students with disabilities and that the product can be programmed for special lessons on dyslexia and reversals... (See Col. 5, lns. 2- 9) Morgan may, for example, help a student with dyslexia to write properly in that it will correct the student’s reversed letters.

Arguments

Claims 1 and 21 and dependent claims

Jenkins does not disclose the invention recited in Claims 1 or 21. In particular, Jenkins does not disclose or suggest the combination of elements recited in these claims. For example, Jenkins does not describe a game that comprises a phonological skills training portion for training the phonological skills of the user and a sound/symbol correspondence training portion for training the sound/symbol correspondence skills of the user wherein the game trains the phonological skills of the user and then transitions to training the sound/symbol correspondence skills once the phonological skills are mastered as recited in Claims 1 and 21.

Jenkins describes a game wherein phonological skills are trained using target and distractor phonemes and graphemes. The graphemes used in Jenkins are part of the phoneme training process along with auditory clues. Thus, Jenkins trains the phonological awareness skills (phonemes), but does not then transition into sound/symbol correspondence skills once the phonological skills are mastered. The claimed invention is a two part training process wherein 1) phonological skills and then 2) sound/symbol correspondence skills are trained which trains the reading and spelling skills of the user. Jenkins does teach the phonological training set forth in the claim, but does not teach the sound/symbol training which is integrated into the overall training of the user. Therefore, Claims 1 and 21 are allowable over Jenkins.

The claims which depend from Claims 1 and 21 are allowable over the prior art cited by the Examiner for at least the same reasons as Claims 1 and 21. Furthermore, the dependent claims recite further details of the invention which are not disclosed by the prior art. For example, dependent claims 2 and 22 recite that the phonological training portion further comprises a morphological skills training portion to train the user's skills at decoding a word and vocabulary. The application defines morphological awareness as the conscious awareness of and ability to manipulate compound words, root words and their inflected and derived forms as set forth on page 6, lines 4 – 6. Jenkins does not disclose morphological training. Jenkins does disclose phonological training using phonemes and graphemes as described above. However, Jenkins does not disclose training a user's skill at decoding a word and vocabulary as set forth in the claims. Therefore, Claims 2 and 22 are further allowable over the prior art.

Claims 5 and 25 recite the combination of training modules in the claimed system and method. The prior art cited by the Examiner does not disclose or suggest this combination of modules. Jenkins discloses only phoneme identification whereas the claimed system and method include the modules recited in these claims which are not present in Jenkins. Therefore Claims 5 and 25 are allowable over the prior art cited by the Examiner.

Furthermore, Claims 13 and 33 recite a diagnostic tool for testing the skills of the user in order to customize the game for a particular user and means for downloading the customized game from the server computer to the client computer of the particular user. Jenkins describes a CD product wherein an administrator may review test results and download configuration and control information to the student. See Col. 5, lns. 39 –42. In contrast to an administrator having to review the game results and download information to the student, the claimed

invention automatically tests the skills of the user and then downloads the customized games. Therefore, Claims 13 and 33 are not anticipated by Jenkins.

Claims 17- 20 and 37- 40 are allowed over the prior art cited by the Examiner for at least the same reasons set forth below from Claims 41, 43, 45 and 49. Furthermore, Claims 18 and 38 recite that the sorting task further comprises means for sorting words based on an initial portion of a word, means for sorting words based on a middle portion of the words and means for sorting a word based on a final portion of the words. Jenkins does not disclose this element. Neither does Siegel which at most describes that it can be used with a mechanical sorting mechanism but certainly does not describe a task wherein the user sorts words based on a middle portion of the words and means for sorting a word based on a final portion of the words. Therefore, Claims 18 and 38 are allowable over the prior art cited by the Examiner.

Claims 41 and 43 and dependent claims

Jenkins and Morgan, alone or in combination, do not disclose or suggest the invention recited in Claims 41 and 43 and the dependent claims. In particular, the combination of elements recited in these claims are not disclosed or suggested by the prior art cited by the Examiner as set forth below in more detail. In addition, the Examiner has not set forth a prima facie case of obviousness since the Examiner has not provided an explanation why one of ordinary skill in the art at the time of the invention was made would have been motivated to make the combination of Jenkins and Morgan. The Examiner must point out 1) the suggestion or teaching; and 2) the reasonable expectation of success which must be found in the prior art and not based on Applicant's disclosure. See MPEP 706.02(j). Applicant does not believe that these two elements can be met and in fact are not met in the current rejection.

Furthermore, Jenkins and Morgan do not suggest the invention recited in these claims. In particular, the claims require visually presenting a target word to the user for a predetermined time and visually presenting a series of words to the user after the target word is removed. This combination of elements trains a user's short term memory skills since the target word is presented and then the series of words are presented after the target work is removed. Neither Jenkins nor Morgan teaches or suggests this training of the short term memory of the user in the manner recited in these claims.

The claims further recite prompting the user to identify the word in the series of words whose letters are in reverse order to the target word. Neither Jenkins or Morgan discloses or suggests that user identifies a word whose letters are reversed. The Examiner has admitted that Jenkins does not disclose this feature. The Examiner points to Morgan for the disclosure of this element of the claim. However, Morgan is a handwriting system wherein the system may correct the improper letter order of a student with dyslexia. However, Morgan does not teach or suggest the training set forth in Claims 41 and 43 and there is no suggestion to combine the two references. Therefore, Claims 41 and 43 are allowable over Jenkins and Morgan.

Claims 45 and 49 and dependent claims

Jenkins and Siegel, alone or in combination, do not disclose or suggest the invention recited in Claims 45 and 49 and the dependent claims. In particular, the combination of elements recited in these claims are not disclosed or suggested by the prior art cited by the Examiner as set forth below in more detail. In addition, the Examiner has not set forth a prima facie case of obviousness since the Examiner has not provided an explanation why one of ordinary skill in the art at the time of the invention was made would have been motivated to make the combination of Jenkins and Siegel. The Examiner must point out 1) the suggestion or teaching; and 2) the reasonable expectation of success which must be found in the prior art and not based on Applicant's disclosure. See MPEP 706.02(j). Applicant does not believe that these two elements can be met and in fact are not met in the current rejection.

Furthermore, Jenkins and Siegel do not suggest the invention recited in these claims. In particular, the claims recite visually presenting one or more words to the user, visually presenting one or more categories into which the word is sorted by the user, and prompting the user to sort the one or more words into the one or more categories to improve the user's skills at recognizing patterns in words. The Examiner admits that Jenkins does not describe the claimed invention. Siegel also does not describe or suggest that sorting game. Siegel describes that its dictionary type function may be used with a game, but does not describe the claimed sorting task recited in the claims. Siegel describes that its phonic engine (a dictionary) may be used with a mechanical sorting mechanism to form part of a game, but certainly does not describe what type of game nor the operation of that game. Siegel does not however, suggest the claimed invention since it does not describe the sorting of words into categories as recited in the claims. Therefore, Jenkins and

Siegel does not disclose the invention nor is there any suggestion to combine Jenkins and Siegel. Therefore, Claims 45 and 49 are allowable over the prior art. The dependent claims are also allowable over the prior art for at least the same reasons as the independent claims.

CONCLUSION

In view of the above arguments, it is respectfully submitted that Claims 1-52 are allowable over the prior art cited by the Examiner for the reasons set forth above and early allowance of the application is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 07-1896. The Examiner is invited to contact Applicant's Attorney at (650) 320-7426 if there are any questions or if the Examiner feels that a telephone conference will speed the prosecution of this application.

Respectfully submitted,

GRAY CARY WARE & FREIDENRICH LLP

Dated: September 23, 2002

By 
Timothy W. Lohse
Attorney for Applicant
Reg. No. 35,255

GRAY CARY WARE & FREIDENRICH LLP
Attn: Patent Department
1755 Embarcadero Road
Palo Alto, CA 94303
Telephone: (650) 320-7426